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10/661,853	09/12/2003	Joseph W. Cole	COLEI.0012P	8537

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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,853

Applicant(s)

COLE, JOSEPH W.

Examiner

Yveste G. Cherubin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 12, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date April 12, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This office action is in response to the US Application No. 10/661,853 filed September 23, 2003. Claims 1-17 are pending.

#### ***Specification***

1. In the specification, page 26, 3<sup>rd</sup> paragraph and page 28, 3<sup>rd</sup> paragraph, the Applicant makes reference of a US Application No. 10/253,621. Upon reviewing, it appears that there is a typographical error in the listed US Application No. 10/253,621 because said US Application has no relation to gaming devices. The title for such application is "Reloadable Word Recognizer for Logic Analyzer". Accordingly, such reference has not been considered. The Applicant is requested to go over the specification and make appropriate correction.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/941,386. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention similarly a gaming device which comprising various similar components as disclosed in the claims of the US Application No. 10/941,386.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by McKay et al. (US Patent No. 5,813,914).

Regarding claim 1, McKay discloses a gaming machine comprising a cabinet (10) defining an interior space (positioned behind doors 8, 12 and panel 14), said cabinet (10) having a base portion (2), a play area (32) and a console portion (26), said play area (32) located between said base portion (2) and said console portion (26), said play area (32) extending forwardly beyond said base portion (as shown), said console

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portion (26) extending upwardly slanted from said play area (32) (as shown); and at least one display (28) associated with said console portion (26), said console having an opening therein, 5:5-15 said display mounted for movement between a first position in which said display is mounted in said opening and a second position in which at least a portion of said display is positioned outwardly of said opening, and wherein access to an interior of said cabinet is provided through said opening, 4:46-52, 5:5-15.

Regarding claim 3, McKay discloses a gaming controller being mounted in a space within said interior area of said cabinet at least partially behind said opening in said console, 5:5-7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8-9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay in view of Tode (6,201,532).

The disclosure of McKay et al. has been described above and is therefore incorporated herein. Regarding claim 2, McKay lacks in disclosing a display being mounted between a console and a bezel, said bezel mounted for movement between a first position in which it engages a face of said console and a second position in which at least a portion thereof is positioned outwardly of said console. Tode discloses a gaming device

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comprising a display being mounted between a console and a bezel (52), said bezel mounted for movement between a first position in which it engages a face of said console and a second position in which at least a portion thereof is positioned outwardly of said console, 2:15-31, 5:12-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Tode into the McKay type device in order to protect the video display.

Regarding claims 8-9, Tode discloses one input (46) device being a touch-screen device comprising a plurality of touch fields. However, Tode lacks in disclosing his input device being pushbuttons. It is the Examiner's position that touch-screen panels are equivalent to pushbutton panels. Accordingly, providing a pushbutton panel would be within the ordinary skill in the art. Such configuration would allow players to make play selection using the touch fields just as they would using pushbuttons. Tode further discloses his touchscreen being associated with a play area, said touchscreen capable of moving relative to said cabinet, 3:23-30, 5:38-41.

Regarding claim 11, McKay discloses including plurality of access panels (8, 12, 14) providing access to the interior area of said cabinet at said base portion, as shown.

Regarding claim 12, Tode discloses one or more of access panels being mounted to the cabinet and rotatable upwardly with respect thereto, as shown in Fig 2, 4:15-20.

Claims 4-5, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. in view of Tode and further in view of Luciano et al. (US Patent No. 6,814,518).

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The disclosure of McKay in view of Tode has been described above and is therefore incorporated herein. Regarding claim 10, McKay in view of Tode lack in disclosing a printing device being located in said interior area beneath said button mount and accessible through said opening in said surface when said button mount being moved to its second position. Luciano discloses a generic device (150) in which a media printer (12, 108) is located in the interior of said generic device. Luciano discloses that his device could be implemented on a gaming device, or a teller machine, etc. 6:35-38, 51-58, 8:53-57, 9:53-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Luciano into the McKay type device in order to present information or entertaining graphics in the form of vouchers, ticket, coupons, receipts to users or players. Luciano fails to disclose his printer being mounted beneath a button mount. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ticket printer in the position cited above since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claims 4-5, Luciano discloses providing a ticket printer located inside the cabinet but lacks in providing a controller platform located in said interior space. It would have been within the level of one of ordinary skill in the art at the time the invention was made to replace Luciano's ticket printer by a controller platform, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

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Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay in view of Bennett (US Patent No. 5,586,936

The disclosure of McKay has been described above and is therefore incorporated herein. Regarding claim 6, McKay lacks in disclosing a bumper being located at a front edge of said play area and at least one component of a player tracking device being mounted to said bumper. Bennett discloses a gaming device comprising a bumper being located at a front edge of a play area and wherein one component of a player tracking device (30) is being mounted to said bumper, 4:46-49, 59-60, 5:27-38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Bennett into the McKay type device for player's convenience.

Regarding claim 7, Bennett further discloses a bumper including a recessed area having a vertical/side wall and a horizontal wall, and wherein a card reader, a display and a two color LED are included, 5:22-35, 6:11-15. As shown, Bennett discloses providing input and output devices in his bumper but, Bennett lacks in disclosing a keypad being located in the horizontal wall. Providing a keypad in said bumper would be within the level of ordinary skill in the art and it would have been obvious to locate such keypad in the horizontal wall, since it has been held that rearranging parts of an invention involves only routine skill in the art.



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Claims 13-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. (US Patent No. 5,813,914) in view of Luciano et al. (US Patent No. 6,814,518).

Regarding claim 13, 14, McKay discloses a gaming machine comprising a cabinet (10), said cabinet (10) having a first side (4) and a second side (4), a front (8, 12, 14) and a rear (16), and a console (28) extending upwardly from a play area (32), said cabinet (10) defining an interior space (positioned behind doors 8, 12 and panel 14), a display (28) mounted to said cabinet (12) and configured to display game information, 4:44-52 a tray (38) mounted in said play area adjacent said console, as shown in Fig 1, a coin delivery device (34) configured to deliver one or more coins into said tray (38). McKay lacks in disclosing a ticket printer, said ticket printer mounted within said interior space of said cabinet. Luciano discloses a generic device (150) in which a media printer (12, 108) is located in the interior of said generic device. Luciano discloses that his device could be implemented on a gaming device, or a teller machine, etc. 6:35-38, 51-58, 8:53-57, 9:53-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Luciano into the McKay type device in order to present information or entertaining graphics in the form of vouchers, ticket, coupons, receipts to users or players. Although it is shown that the ticket printer in Luciano's device are being outputted into a tray, Luciano fails to disclose the ticket printer having an output aligned with a slot in a tray mounted in a play area adjacent a console. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ticket printer in the position cited

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above since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 15, McKay discloses including a coin delivery slot (34) located in said rear wall of a tray, as shown in Fig 1.

Regarding claim 17, in reference to Figs 19-21, McKay discloses/shows a cash/bill box being mounted behind a cover/door, 4:64-65, 7:5-31.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. (US Patent No. 5,813,914) in view of Luciano et al. (US Patent No. 6,814,518) and further in view of Dickinson (US Patent No. 5,951,397)

The disclosure of McKay in view of Luciano has been described above and is therefore incorporated herein. Regarding claim 16, McKay further discloses including a bill accepting slot (36) and a coin slot. However, McKay fails to elaborate on whether his coin slot is a coin accepting slot or a coin delivery slot or both. A reference to Dickinson is being cited to teach a gaming device comprising a coin accepting slot and a bill accepting slot, 2:35-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Dickinson into the McKay in view of Luciano type device in order to enhance the gaming machine and allow the use of various types of monetary acceptors for player's convenience.

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***Prior Art Citations***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form-892 attached.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (571) 272-4434. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Thai Xuan can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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